

Introduced by Senator Lara
(Principal coauthor: Assembly Member Bonilla)

February 10, 2015

An act to amend Section 48204 of the Education Code, relating to pupils.

LEGISLATIVE COUNSEL'S DIGEST

SB 200, as introduced, Lara. Pupils: school district residency requirements.

Existing law requires persons between years of age, inclusive, 6 and 18 to attend a public school within the school district in which the pupil's parent or legal guardian resides, unless otherwise exempted. Existing law provides that a pupil complies with a school district's residency requirements for school attendance in that school district if the pupil meets one of the specified requirements.

This bill would provide that a pupil complies with a school district's residency requirements in instances where the pupil's parent or legal guardian resides outside of the boundaries of that school district but is employed and lives at the place of his or her employment within the boundaries of the school district for a minimum of 3 days during the school week. By requiring a school district to allow those pupils to attend the school district, thereby increasing the duties of a school district, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state,

reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 48204 of the Education Code, as amended
2 by Section 1 of Chapter 93 of the Statutes of 2012, is amended to
3 read:

4 48204. (a) Notwithstanding Section 48200, a pupil complies
5 with the residency requirements for school attendance in a school
6 district, if he or she is any of the following:

7 (1) (A) A pupil placed within the boundaries of that school
8 district in a regularly established licensed children's institution,
9 or a licensed foster home, or a family home pursuant to a
10 commitment or placement under Chapter 2 (commencing with
11 Section 200) of Part 1 of Division 2 of the Welfare and Institutions
12 Code.

13 (B) An agency placing a pupil in a home or institution described
14 in subparagraph (A) shall provide evidence to the school that the
15 placement or commitment is pursuant to law.

16 (2) A pupil who is a foster child who remains in his or her school
17 of origin pursuant to subdivisions (d) and (e) of Section 48853.5.

18 (3) A pupil for whom interdistrict attendance has been approved
19 pursuant to Chapter 5 (commencing with Section 46600) of Part
20 26.

21 (4) A pupil whose residence is located within the boundaries of
22 that school district and whose parent or legal guardian is relieved
23 of responsibility, control, and authority through emancipation.

24 (5) A pupil who lives in the home of a caregiving adult that is
25 located within the boundaries of that school district. Execution of
26 an affidavit under penalty of perjury pursuant to Part 1.5
27 (commencing with Section 6550) of Division 11 of the Family
28 Code by the caregiving adult is a sufficient basis for a
29 determination that the pupil lives in the home of the caregiver,
30 unless the school district determines from actual facts that the pupil
31 is not living in the home of the caregiver.

32 (6) A pupil residing in a state hospital located within the
33 boundaries of that school district.

1 (7) *A pupil whose parent or legal guardian resides outside of*
2 *the boundaries of that school district but is employed and lives at*
3 *the place of his or her employment within the boundaries of the*
4 *school district for a minimum of three days during the school week.*

5 (b) A school district may deem a pupil to have complied with
6 the residency requirements for school attendance in the *school*
7 district if at least one parent or the legal guardian of the pupil is
8 physically employed within the boundaries of that *school* district
9 for a minimum of 10 hours during the school week.

10 (1) This subdivision does not require the school district within
11 which at least one parent or the legal guardian of a pupil is
12 employed to admit the pupil to its schools. A school district shall
13 not, however, refuse to admit a pupil under this subdivision on the
14 basis, except as expressly provided in this subdivision, of race,
15 ethnicity, sex, parental income, scholastic achievement, or any
16 other arbitrary consideration.

17 (2) The school district in which the residency of either the
18 parents or the legal guardian of the pupil is established, or the
19 school district to which the pupil is to be transferred under this
20 subdivision, may prohibit the transfer of the pupil under this
21 subdivision if the governing board of the *school* district determines
22 that the transfer would negatively impact the court-ordered or
23 voluntary desegregation plan of the *school* district.

24 (3) The school district to which the pupil is to be transferred
25 under this subdivision may prohibit the transfer of the pupil if the
26 *school* district determines that the additional cost of educating the
27 pupil would exceed the amount of additional state aid received as
28 a result of the transfer.

29 (4) The governing board of a school district that prohibits the
30 transfer of a pupil pursuant to paragraph (1), (2), or (3) is
31 encouraged to identify, and communicate in writing to the parents
32 or the legal guardian of the pupil, the specific reasons for that
33 determination and is encouraged to ensure that the determination,
34 and the specific reasons ~~therefor~~, *for the determination*, are
35 accurately recorded in the minutes of the board meeting in which
36 the determination was made.

37 (5) The average daily attendance for pupils admitted pursuant
38 to this subdivision is calculated pursuant to Section 46607.

39 (6) Unless approved by the sending school district, this
40 subdivision does not authorize a net transfer of pupils out of a

1 school district, calculated as the difference between the number
2 of pupils exiting the *school* district and the number of pupils
3 entering the *school* district, in a fiscal year in excess of the
4 following amounts:

5 (A) For a school district with an average daily attendance for
6 that fiscal year of less than 501, 5 percent of the average daily
7 attendance of the *school* district.

8 (B) For a school district with an average daily attendance for
9 that fiscal year of 501 or more, but less than 2,501, 3 percent of
10 the average daily attendance of the *school* district or 25 pupils,
11 whichever amount is greater.

12 (C) For a school district with an average daily attendance of
13 2,501 or more, 1 percent of the average daily attendance of the
14 *school* district or 75 pupils, whichever amount is greater.

15 (7) Once a pupil is deemed to have complied with the residency
16 requirements for school attendance pursuant to this subdivision
17 and is enrolled in a school in a school district the boundaries of
18 which include the location where at least one parent or the legal
19 guardian of a pupil is physically employed, the pupil does not have
20 to reapply in the next school year to attend a school within that
21 *school* district and the ~~district~~ governing board of *the school district*
22 shall allow the pupil to attend school through grade 12 in that
23 *school* district if the parent or legal guardian so chooses and if at
24 least one parent or the legal guardian of the pupil continues to be
25 physically employed by an employer situated within the attendance
26 boundaries of the *school* district, subject to paragraphs (1) to (6),
27 inclusive.

28 (c) This section shall become inoperative on July 1, 2017, and
29 as of January 1, 2018, is repealed, unless a later enacted statute,
30 that becomes operative on or before January 1, 2018, deletes or
31 extends the dates on which it becomes inoperative and is repealed.

32 SEC. 2. Section 48204 of the Education Code, as amended by
33 Section 2 of Chapter 93 of the Statutes of 2012, is amended to
34 read:

35 48204. (a) Notwithstanding Section 48200, a pupil complies
36 with the residency requirements for school attendance in a school
37 district, if he or she is:

38 (1) (A) A pupil placed within the boundaries of that school
39 district in a regularly established licensed children's institution,
40 or a licensed foster home, or a family home pursuant to a

1 commitment or placement under Chapter 2 (commencing with
2 Section 200) of Part 1 of Division 2 of the Welfare and Institutions
3 Code.

4 (B) An agency placing a pupil in the home or institution
5 described in subparagraph (A) shall provide evidence to the school
6 that the placement or commitment is pursuant to law.

7 (2) A pupil who is a foster child who remains in his or her school
8 of origin pursuant to subdivisions (d) and (e) of Section 48853.5.

9 (3) A pupil for whom interdistrict attendance has been approved
10 pursuant to Chapter 5 (commencing with Section 46600) of Part
11 26.

12 (4) A pupil whose residence is located within the boundaries of
13 that school district and whose parent or legal guardian is relieved
14 of responsibility, control, and authority through emancipation.

15 (5) A pupil who lives in the home of a caregiving adult that is
16 located within the boundaries of that school district. Execution of
17 an affidavit under penalty of perjury pursuant to Part 1.5
18 (commencing with Section 6550) of Division 11 of the Family
19 Code by the caregiving adult is a sufficient basis for a
20 determination that the pupil lives in the home of the caregiver,
21 unless the school district determines from actual facts that the pupil
22 is not living in the home of the caregiver.

23 (6) A pupil residing in a state hospital located within the
24 boundaries of that school district.

25 (7) *A pupil whose parent or legal guardian resides outside of*
26 *the boundaries of that school district but is employed and lives at*
27 *the place of his or her employment within the boundaries of the*
28 *school district for a minimum of three days during the school week.*

29 (b) This section shall become operative on July 1, 2017.

30 SEC. 3. If the Commission on State Mandates determines that
31 this act contains costs mandated by the state, reimbursement to
32 local agencies and school districts for those costs shall be made
33 pursuant to Part 7 (commencing with Section 17500) of Division
34 4 of Title 2 of the Government Code.